THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 122 of 1996

21-06-2007

Between:

Dharu Narsing Rao
Naganpally village,
Ibrahimpatnam (M), R.R. District

… Petitioner

And:

The District Collector,
Ranga Reddy District and others

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 122 OF 1996

ORAL ORDER :

No counter has been filed for over 10 years in this writ petition filed on 28.12.1995.

The land of the petitioner in an extent of Ac.2.00 in Sy.No.306 of Naganappaly village, Ibrahimpatnam Mandal, Ranga Reddy District, was earlier acquired in the year 1975 for providing house sites to weaker sections people, at the instance of the Social Welfare Department. The petitioner admits not to have resisted the acquisition.

Again by notification dated 4.1.1995 u/Sec.4(1) of the Land Acquisition Act 1894 ('the Act') acquisition of his land in an extent of Ac.2.10 gts, in Sy.No.301 of the village was proposed. Declaration u/Sec.6 of the Act was issued on 16.11.1995. The petitioner submitted a representation on

23.12.1995 pointing that Ac.2.00 of his land was earlier acquired and it was arbitrary again to propose his land for acquisition. The petitioner also sought allotment of alternate Government land to compensate his loss of the land on account of acquisition. He thereafter filed this writ petition seeking invalidation of the acquisition process including the notification and the draft declaration u/Sec.6 of the Act dated 16.11.1995.

The singular ground urged by the petitioner is that earlier Ac.2.00 of his land was acquired for providing house sites to weaker sections people and yet again another extent of Ac.2.10 gts, of his land was proposed for acquisition. This is a contention that is stated to be rejected. There is no limitation under the Act which debars acquisition of lands of a person whose lands were already acquired. Unless the petitioner makes out a case that he is subjected to acquisition of land notwithstanding availability of equally facilitative land for house sites for weaker sections people and that the identification of the petitioner for the successive acquisition amounts to hostile discrimination by the executive agency of the State, the petitioner cannot succeed by the mere assertion that his lands were earlier acquired and are again being acquired.

The learned counsel for the petitioner submits that there is no local publication of Sec.4(1) notification within the 40 days period from the date of gazette publication. There is no pleading to that effect. No argument without a pleading particularly where such contention needs to have a factual basis, could be entertained.

No other point is urged. On the above factual analysis there is no legal basis warranting grant of the relief to the petitioner. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

Dt: 21.06.2007 ----------

Pvsn Justice

G.Raghuram